

The Amicus Brief, Lee Ann Bryce and the Reverend Sara D. Smith v. Episcopal Church in the Diocese of Colorado, et al., was joined by Clifton Kirkpatrick, as Stated Clerk of the General Assembly of the Presbyterian Church (U.S.A.). The brief was filed in the United States Court of Appeals for the Tenth Circuit on July 15, 2001.

IN THE UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT
Case No. 00-1515

LEE ANN BRYCE and THE REVEREND SARA D. SMITH,

Plaintiffs-Appellants,

v.

EPISCOPAL CHURCH IN THE DIOCESE OF COLORADO, et al.

Defendants-Appellees.

Appeal From The United States District Court for the District of Colorado, Honorable Clarence A. Brimmer, District Judge District Court Civil Action No. 00-WY-1216-CB

Brief in Support of Appellees Episcopal Church in the Diocese of Colorado, et al. of Amici Curiae

The Association of Christian Schools International; Campus Crusade for Christ; The Christian Legal Society Center for Law & Religious Freedom; The Church of Jesus Christ of Latter-day Saints; The Colorado Baptist General Convention (Southern Baptist); The Colorado Catholic Conference; The Colorado District Church of the Nazarene; The Colorado Muslim Society; The Colorado Task Force on Religious Freedom; The First Church of Christ, Scientist; The General Conference of Seventh-day Adventists; The General Council on Finance and Administration of the United Methodist Church; The Islamic Society of Colorado Springs; Lutheran Church - Missouri Synod; Mid-America Union Conference of Seventh-day Adventists; National Federation for Catholic Youth Ministry; The Navigators; New Life Church; The Net (formerly The Colorado Springs Association of Evangelicals); Presbyterian Church (U.S.A.); The Pueblo Association of Evangelicals; The Rocky Mountain Conference of Seventh-day

Adventists; The Rocky Mountain Conference of the United Methodist Church; The Rocky Mountain Rabbinical Council; The Rocky Mountain Synod, Evangelical Lutheran Church of America; United States Catholic Conference; Young Life.

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PRELIMINARY STATEMENT

These amici have differing religious doctrines on the issue of sexual orientation and different ecclesiastical beliefs regarding homosexuality and ministry. This brief takes no position on these issues. Instead, we focus on a much broader legal principle: The autonomy of religious institutions to select, direct, discipline, and terminate those who serve in positions of ministry without state interference.

STATEMENT OF INTEREST

Amici represent a diverse group of religious communities hailing from various theological and ecclesiastical traditions. We are Protestants, Catholics, Latter-day Saints, Jews, Muslims, and others. Yet, notwithstanding our different beliefs and politics, we join to ask this Court to reaffirm the long-established First Amendment rule that churches have the autonomy to select, direct, discipline, and dismiss their own ministers free from government oversight or intrusion. We are deeply concerned about the outcome of this case because the position appellants

espouse constitutes a serious threat to the freedom of all religious institutions. A statement of interest from each of the amici is in the Appendix.

SUMMARY OF ARGUMENT

This case presents a direct challenge to the authority of churches to select, regulate, and dismiss their ministers according to the dictates of their unique doctrines and politics. For well

over a century, the United States Supreme Court has vigorously protected the autonomy of churches. The First Amendment's guarantee of church autonomy acknowledges the exclusive jurisdiction of churches over matters of doctrine, polity, religious teaching, and governance, thereby ensuring that churches can govern their spiritual and ecclesiastical affairs free from state oversight or entanglement. An integral part of the Church Autonomy Doctrine is the long-recognized "ministerial exception," which precludes civil courts from adjudicating any claim that interferes with a church's selection, regulation, or dismissal of a minister. The claims of appellants Lee Ann Bryce and Sara Smith ("plaintiffs") would do precisely that and thus are barred.

The importance of protecting the autonomy of churches to govern their own ministers cannot be overstated: The integrity and very existence of almost all religious communities including these amici depend on the ability to carefully select persons for ministry who are willing to espouse the beliefs of the church, adhere to and exemplify its tenets, and are ready and able to preach and exhort others to live by its laws and precepts. This is especially true where, as here, positions of youth ministry are at issue. If a religious organization is ultimately to survive and grow, it must inculcate its values, doctrines, and beliefs in the upcoming generation. The selection and regulation of those who minister to youth is thus critical to the autonomy of churches. The First Amendment brooks no interference by the state in such matters. The decision of the district court dismissing plaintiffs' claims should be affirmed.

ARGUMENT

I. The Autonomy of Churches to Govern their Spiritual and Ecclesiastical Affairs Is Essential to Religious Liberty and Has Long Been Upheld by the Supreme Court.

The Religion Clauses of the First Amendment recognize two spheres of competence or jurisdiction one belonging to churches and the other to government. The First Amendment preserves these two spheres of jurisdiction, safeguarding the autonomy of churches from government entanglement or interference in matters that are inherently religious and the state from control of its important functions by an establishment of religion. See *Lynch v. Donnelly*, 465 U.S. 668, 672 (1984) (Religion Clauses designed "to prevent, as far as possible, the intrusion of either [the church or the state] into the precincts of the other."); *McCullum v. Board of Education*, 333 U.S. 203, 212 (1948) ("both religion and government can best work to achieve their lofty aims if each is left free of the other within its respective sphere").

Accordingly, a "long line of Supreme Court cases [has] affirm[ed] the fundamental right of churches to 'decide for

themselves, free from state interference, matters of church government as well as those of faith and doctrine.'" *EEOC v. Catholic Univ. of America*, 83 F.3d 455, 462 (D.C.Cir. 1996) (quoting *Kedroff v. St. Nicholas Cathedral of Russian Orthodox Church in North America*, 344 U.S. 94, 116 (1952)); see *Walz v. Tax Commission of the City of New York*, 397 U.S. 664, 672 (1970) (Supreme Court has "chart[ed] a course that preserved the autonomy and freedom of religious bodies"). The scope of this "fundamental right" often called the "right of church autonomy" or the "Church Autonomy Doctrine" is the central issue in this case.

A. The Church Autonomy Doctrine Is Deeply Rooted in Supreme Court Jurisprudence.

The roots of the Supreme Court's Church Autonomy Doctrine reach back to *Watson v. Jones*, 80 U.S. (13 Wall.) 679 (1871), where the Court first articulated the rule that civil courts lack jurisdiction over matters of church governance. *Watson* involved a legal dispute between two factions of a local congregation of the Presbyterian Church of the United States for control of a local church building. *Id.* at 691-94. The central issue was who had the authority to speak for the church and decide which faction was correct in its doctrinal claims.

Consistent with English precedent, the federal trial court entertained the action and issued a ruling after examining the applicable religious doctrines and the church's polity. On appeal, the Supreme Court reversed and dismissed the entire matter for lack of subject matter jurisdiction. Rather than inject itself into an internal church matter, the Court instead affirmed the exclusive jurisdiction of the church's highest governing body to adjudicate such issues according to the church's doctrines, rules, and customs. *Id.* at 727. The Court reasoned:

The right to organize voluntary religious associations to assist in the expression and dissemination of any religious doctrine, and to create tribunals for the decision of controverted questions of faith within the association, and for the ecclesiastical government of all the individual members, congregations, and officers within the general associations, is unquestioned. All who unite themselves to such a body do so with an implied consent to this government, and are bound to submit to it. But it would be a vain consent and would lead to the total subversion of such religious bodies, if any one aggrieved by one of their decisions could appeal to the secular courts and have them reversed.

Id. at 728-29. The lack of competence of civil courts to pass on

issues of religious doctrine and ecclesiastical policy was a further basis for the Court's decision. *Id.* at 729.

In *Gonzalez v. Roman Catholic Archbishop*, 280 U.S. 1 (1929), the Supreme Court applied Watson's church autonomy principles to resolve a dispute over entitlement to a Roman Catholic chaplaincy and related income. The Court rejected an attempt to draw the civil courts into the dispute, upholding the autonomy of the church "to determine what the essential qualifications of [clergy] are and whether the candidate possesses them." *Id.* at 19.

The church autonomy principles first elaborated in Watson have been applied in hundreds of subsequent cases; Watson itself has been cited approvingly almost 1,000 times by federal and state courts. The facts and circumstances of these cases differ, but the central proposition for which Watson now stands is that the state may not interfere with the inherently religious affairs of churches. Civil causes of action, however styled, that require a court to do so are nonjusticiable.

B. The First Amendment Guarantees Religious Institutions Independence Over Their Internal Affairs.

As a technical matter Watson and Gonzalez were pre-Erie and pre-incorporation cases decided under principles of general law, not the First Amendment. Following incorporation, however, the Church Autonomy Doctrine was given full constitutional stature under the First Amendment. Invoking both free exercise and establishment concerns, the Supreme Court in *Kedroff v. St. Nicholas Cathedral*, 344 U.S. 94 (1952), struck down a New York statute that meddled in the ecclesiastical affairs of the Russian Orthodox Church by effectively shifting the right to appoint an archbishop, and thus the right to occupy and control a cathedral in New York, from authorities at the central church in Moscow to authorities in the United States. *Id.* at 106-07.

Expressly relying on Watson and Gonzalez, the Court held that the state's intrusion into the autonomy of the church violated the First Amendment. "Legislation that regulates church administration, the operation of the churches, [or] the appointment of clergy ... prohibits the free exercise of religion." *Id.* at 107-08; see *Kreshik v. St. Nicholas Cathedral*, 363 U.S. 190 (1960) (extending holding in *Kedroff* to judicial action). Such issues are "strictly a matter of ecclesiastical government" and thus of no concern to the state. *Kedroff*, 344 U.S. at 115. State intrusion into the ecclesiastical affairs of the church "violates [the] rule of separation between church and state" (*id.* at 110) and contravenes "the philosophy of

ecclesiastical control of church administration and polity." Id. at 117. The Court expressly reaffirmed Watson on constitutional grounds:

The opinion [in Watson] radiates ... a spirit of freedom for religious organizations, an independence from secular control or manipulation in short, power to decide for themselves, free from state interference, matters of church government as well as those of faith and doctrine.

Id. at 116. The Court held that the autonomy of a church to select its own clergy enjoys "federal constitutional protection as a part of the free exercise of religion against state interference." Id. at 116.

In *Serbian Eastern Orthodox Diocese v. Milivojevich*, 426 U.S. 696 (1976), the Court held that the guarantee of church autonomy "applies with equal force to church disputes over church polity and church administration." Id. at 710. Quoting Watson, the Court reiterated that under the First Amendment "'civil courts exercise no jurisdiction'" over "'a matter which concerns theological controversy, church discipline, ecclesiastical government, or the conformity of the members of the church to the standard of morals required of them.'" Id. at 713-14 (quoting Watson, 80 U.S. (13 Wall.) at 733-34). Disgruntled ministers or church members cannot invoke the power of civil courts to overturn ecclesiastical decisions:

Indeed, it is the essence of religious faith that ecclesiastical decisions are reached and are to be accepted as matters of faith whether or not rational or measurable by objective criteria. Constitutional concepts of due process, involving secular notions of 'fundamental fairness' or impermissible objectives, are therefore hardly relevant to such matters of ecclesiastical cognizance.

Id. at 714-15. "In short, the First and Fourteenth Amendments permit hierarchical religious organizations to establish their own rules and regulations for internal discipline and government" Id. at 724.

Church autonomy concerns also dictate that statutes and common law doctrines be interpreted so as to avoid incursions into internal church matters. In *N.L.R.B. v. Catholic Bishop of Chicago*, 440 U.S. 490 (1979), the National Labor Relations Board sought to apply neutral principles of labor law to Catholic high schools. Id. at 491-93. The Supreme Court squarely rejected the attempt. Noting that many of the "challenged actions [of the schools] were mandated

by their religious creeds" (id. at 502), the Court interpreted the National Labor Relations Act narrowly so as to preclude the Board from interfering with or even inquiring into the internal management of the religious schools. Id. at 507.

The resolution of [claims that certain decisions were religiously motivated], in many instances, will necessarily involve inquiry into the good faith of the position asserted by the clergy-administrators and its relationship to the school's religious mission. It is not only the conclusions that may be reached by the Board [in adjudicating such claims] which may impinge on rights guaranteed by the Religion Clauses, but also the very process of inquiry leading to findings and conclusions.

Id. at 502 (emphasis added).

The foregoing decisions represent just a few of the numerous applications of the broader First Amendment principle that issues which are inherently religious e.g., those involving: religious doctrine; the nature and meaning of religious ceremonies; church organization; minister selection, retention, and training; ecclesiastical duties; church discipline of ministers and members; etc. lie beyond the competence or jurisdiction of civil courts.¹ Religious affairs are the concern of the church, not the state.

A. The Freedom to Select, Discipline, and Discharge Ministers Is A Central Component of the Church Autonomy Doctrine.

The Church Autonomy Doctrine is squarely at issue in this case

¹See, e.g., *Presbyterian Church v. Mary Elizabeth Blue Hull Church*, 393 U.S. 440, 450-51 (1969) ("the forbidden process of interpreting and weighing church doctrine" can play "no role in any ... judicial proceedings"); *Young v. N Ill. Conf. Of United Methodist Church*, 21 F.3d 184 (7th Cir. 1994) (discontinuance of ministerial status); *Ayon v. Gourley*, 47 F. Supp. 2d 1246 (D. Colo. 1998) (negligent hiring), affirmed on other grounds, 185 F.3d 873 (10th Cir. 1999) (unpublished opinion); *Schmidt v. Bishop*, 779 F.Supp. 321 (S.D.N.Y. 1991) (negligent supervision); *Nunn v. Black*, 506 F.Supp. 445 (W.D. Va. 1981) (church's adherence to church disciplinary procedures); *United Methodist Church v. White*, 571 A.2d 790 (D.C. App. 1990) (termination of minister); *Kennedy v. Gray*, 807 P.2d 670 (Kan. 1991) (discipline of members); *Glass v. First United Pentecostal Church*, 676 So.2d 724 (La. App. 1996) (doctrinal dispute); *Ropollo v. Moore*, 644 So.2d 206 (La. App. 1994); *Bryan R. v. Watchtower Bible and Tract Society*, 738 A.2d 839 (Me. 1999) (failure to excommunicate member); *Fowler v. Bailey*, 844 P.2d 141 (Okla. 1992) (membership status); *Guinn v. Church of Christ of Collinsville*, 775 P.2d 766 (Okla. 1989) (discipline of members); *L.L.N. v. Clauder*, 563 N.W.2d 434 (Wisc. 1997) (negligent supervision); *Pritzlaff v. Archdiocese of Milwaukee*, 533 N.W.2d 780 (Wisc. 1995) (negligent supervision and hiring).

because plaintiffs are challenging a church's decision to terminate a person's duties as a youth minister (while retaining her to work in music ministry) an inherently religious matter of crucial importance. The autonomy of churches to select, discipline, and discharge ministers has been characterized by the courts as the "ministerial exception." First articulated in *McClure v. Salvation Army*, 460 F.2d 553 (5th Cir. 1972), "[t]he ministerial exception operates to exempt from the coverage of various employment laws the employment relationships between religious institutions and their 'ministers.'" *EEOC v. Roman Catholic Diocese of Raleigh*, 213 F.3d 795, 800 (4th Cir. 2000). The "exception shelters certain employment decisions from the scrutiny of civil authorities so as to preserve the independence of religious institutions in performing their spiritual functions." *Id.* at 801. "This constitutionally compelled limitation on civil authority ensures that no branch of secular government trespasses on the most spiritually intimate grounds of a religious community's existence." *Id.* at 800.

"Matters touching [the] relationship [between a church and its ministers] must necessarily be recognized as of prime ecclesiastical concern." *McClure*, 460 F.2d at 559. Under the ministerial exception the reason a church selects or dismisses a minister is legally irrelevant a church need not give any reason at all for its actions. The ministerial relationship lies so close to the heart of the church that it would offend the First Amendment simply to require the church to articulate a religious justification for its personnel decisions: the "First Amendment protects the act of a decision rather than a motivation behind it." *Rayburn v. General Conference of Seventh-Day Adventists*, 772 F.2d 1164, 1169 (4th Cir. 1985). "[C]ivil court review of ecclesiastical decisions of church tribunals, particularly those pertaining to the hiring or firing of clergy, are in themselves an 'extensive inquiry' into religious law and practice, and hence are forbidden by the First Amendment." *Young v. N. Ill. Conf. of United Methodist Church*, 21 F.3d 184, 187 (7th Cir. 1994) (emphasis in original). The ministerial exception is now the established law in every federal court of appeals that has considered the issue.

Of course, the ministerial exception does not cover every employee of a religious institution regardless of how unimportant his function may be to the institutional integrity and spiritual mission of the church. The Church Autonomy Doctrine protects against government regulations that impinge upon "a church's sovereignty over its own affairs." *Catholic Univ. of America*, 83 F.3d at 461-63. In the ministerial exception context, the "general rule" is that "if the employee's primary duties consist of teaching, spreading the faith, church governance, supervision of a religious order, or supervision

or participation in religious ritual and worship, he or she should be considered clergy." Rayburn, 772 F.2d at 1169 (internal citation and quotation marks omitted). The "inquiry thus focuses on the function of the position at issue and not on categorical notions of who is or is not a 'minister.'" Diocese of Raleigh, 213 F.3d at 801 (quotation marks omitted).

Accordingly, it is well established that "one need not be ordained to be a minister" for the exception to apply. EEOC v. Southwestern Baptist Theological Seminary, 651 F.2d 277, 284 (5th Cir. 1981). Instead, "[i]f their positions are important to the spiritual and pastoral mission of the church, they should be considered 'clergy.'" Catholic Univ. of America, 83 F.3d at 461 (internal citation and quotation marks omitted; emphasis added).

An important justification for the Church Autonomy Doctrine, and hence for the ministerial exception which flows from it, is that civil courts cannot entangle themselves in the interpretation of religious doctrines. Thus, if a claim involves a civil court in weighing competing interests under church law or doctrine to decide which is correct, that claim is barred. See, e.g., Presbyterian Church, 393 U.S. at 451 (civil courts cannot "engage in the forbidden process of interpreting and weighing church doctrine"); Catholic University of America, 83 F.3d at 465-66 (rejecting Title VII sex discrimination claim because inter alia it would entangle the court in interpretation of religious doctrine). That is not the only justification, however.

[A] second quite independent concern is that in investigating employment discrimination claims by ministers against their church, secular authorities [including civil courts] would necessarily intrude into church governance in a manner that would be inherently coercive, even if the alleged discrimination were purely nondoctrinal. . . . This second concern alone is enough to bar the involvement of the civil courts. Combs v. Central Texas Annual Conference of the United Methodist Church, 173 F.3d 343, 350 (5th Cir. 1999) (emphasis added). As the Supreme Court has observed, "the very process of inquiry" can violate the First Amendment. Catholic Bishop, 440 U.S. at 502. Even where the claim does not require the court to engage in doctrinal interpretation, if adjudication of the claim would entangle the court in matters of church governance, the jurisdictional bar applies.

Plaintiffs invoke two inapposite minority position cases, Bollard v. California Province, 196 F.3d 940 (9th Cir. 1999), and Van Osdol v. Vogt, 908 P.2d 1122 (Colo. 1996), to suggest that the ministerial exception does not apply to Title VII sexual harassment

claims. Neither case lends any support. Bollard involved a novice training to become a Jesuit priest who complained of sexual harassment. Because the Jesuits admitted that the alleged sexual harassment was "inconsistent with their values and beliefs" (id. at 947), the Ninth Circuit held that evaluation of the plaintiff's claim entailed no risk of entanglement in doctrinal matters. Id. at 948. Here, Ms. Bryce alleges she was sexually harassed by statements made at a parish meeting. The meeting was convened to evaluate the consistency of her conduct with Episcopal Church teachings and also as a Sacred Conversation commended by the Episcopal Bishop of Colorado. AA141:3-7. Unlike Bollard, the church here does not disavow its doctrinal teaching of "single and celibate, married and faithful" nor has it suggested that what occurred in the parish's Sacred Conversation was in any way improper. Moreover, Bollard did not involve the issue central here of whether a person is qualified under church doctrines and canons to serve as a minister. In contrast to Bollard, evaluating the church's conduct under these circumstances would impermissibly interfere with core ecclesiastical matters.

Van Osdol is even less helpful. The state court in Van Osdol expressly dismissed every employment-related claim against a church, including a claim of Title VII retaliation, because a judicial inquiry would inevitably have entangled the court in the church's religious doctrine. 908 P.2d at 1128-31 ("Applying Title VII or any anti-discrimination law to a church's choice of a minister would require a judge to question the belief system of the church").

In short, if a suit challenges a church's employment decisions regarding the selection, regulation, discipline, or termination of a plaintiff who is (or was) a ministerial employee, the civil court must dismiss the case for lack of subject matter jurisdiction. See, e.g., *Diocese of Raleigh*, 213 F.3d at 799, 805 (affirming district court dismissal of "the complaint for lack of subject matter jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1)"). Whatever creative label such challenges are given e.g., discrimination, defamation, intentional infliction of emotional distress, breach of employment contract, etc. the First Amendment precludes a civil court from adjudicating the claim. See *Franco v. The Church of Jesus Christ of Latter-day Saints*, 21 P.3d 198, 205 (Utah 2001). "[T]he decisions of religious entities about the appointment and removal of ministers and persons in other positions of similar theological significance are beyond the ken of civil courts" because they "fall[] within the ecclesiastical sphere that the First Amendment protects from civil court intervention." *Bell v. Presbyterian Church (U.S.A.)*, 126 F.3d 328 at 331, 333 (4th Cir. 1997).

II. It is Crucial that the Court Apply the Ministerial Exception in Circumstances Such as This.

A. A Religious Community's Freedom to Select, Regulate, Discipline, and Terminate Ministers Ensures that Government Does Not Interfere with the Community's Process of Self-Definition.

Safeguarding the autonomy of churches to freely govern their own ministers is of paramount importance: for virtually all churches, and certainly these amici, religious liberty would be almost meaningless without it. In their various forms, ministers preach the word of God, perform religious rituals, lead communal worship, hear confessions, explicate sacred texts, give wise counsel, exemplify the teachings and precepts of the faith, and perform many other functions which are part of the very self-definition of churches. The uniqueness of each religious tradition is reflected in, and in turn defined by, the diverse forms and functions of religious ministry. The vitality indeed, the very existence of our religious communities depends on government respecting the exclusive jurisdiction of churches to define and select their ministers:

The right to choose ministers without government restriction underlies the well-being of religious communit[ies], for perpetuation of a church's existence may depend upon those whom it selects to preach its values, teach its message, and interpret its doctrines both to its own membership and to the world at large.

Rayburn, 772 F.2d at 1168 (citation omitted). Such concerns were a principal basis for the original ministerial exception case:

The relationship between an organized church and its ministers is its lifeblood. The minister is the chief instrument by which the church seeks to fulfill its purpose. Matters touching this relationship must necessarily be recognized as of prime ecclesiastical concern. Just as the initial function of selecting a minister is a matter of church administration and government, so are the functions which accompany such a selection. It is unavoidably true that these include the determination of a minister's salary, his place of assignment, and the duty he is to perform in the furtherance of the religious mission of the church.

McClure, 460 F.2d at 558-59.

Of particular concern here is that state incursion into a church's ecclesiastical affairs risks interference with the internal development of a church's doctrine and polity. Justice Brennan in *Corporation of the Presiding Bishop v. Amos*, 483 U.S. 327 (1987),

explained the risk that government intrusion poses to a religious community's process of self-definition:

[T]his process of government intrusion raises concern that a religious organization may be chilled in its free exercise activity. While a church may regard the conduct of certain functions as integral to its mission, a court may disagree. A religious organization therefore would have an incentive to characterize as religious only those activities about which there likely would be no dispute, even if it genuinely believed that religious commitment was important in performing other tasks as well. As a result, the community's process of self-definition would be shaped in part by the prospects of litigation. A case-by-case analysis for all activities therefore would both produce excessive government entanglement with religion and create the danger of chilling religious activity.

Concern for the autonomy of religious organizations demands that we avoid the entanglement and the chill on religious expression that a case-by-case determination would produce.

Id. at 343-45 (Brennan, J., concurring).

The Supreme Court in *Presbyterian Church v. Mary Elizabeth Blue Hull Church*, 393 U.S. 440 (1969), stressed similar concerns, warning that when a civil court intervenes in religious matters "the hazards are ever present of inhibiting the free development of religious doctrine and of implicating secular interests in matters of purely ecclesiastical concern." Id. at 449. The same theme featured prominently in *Rayburn* as well:

There is the danger that churches, wary of [agency] or judicial review of their decisions, might make them with an eye to avoiding litigation or bureaucratic entanglement rather than upon the basis of their own personal and doctrinal assessments of who would best serve the pastoral needs of their members.

772 F.2d at 1171.

The instant case illustrates the danger civil-court intervention poses to the development of a religious community's doctrine and polity. Like many denominations, the Episcopal Church has been involved in a difficult internal dialogue about sexual orientation, sacraments, and ministry. In 1998, at the international conference of the Anglican Church in Lambeth, England, Anglican bishops adopted a resolution affirming the church's traditional teaching of "single and celibate, married and faithful." The Anglican bishops also committed the Church "to listen to the

experiences of homosexual people." Ms. Bryce's situation represents an attempt by a religious community to understand and properly comply with these doctrinal teachings. Pursuant to local ecclesiastical policy, the church engaged in a deliberative process called "Sacred Conversation" to discuss Ms. Bryce's qualifications to be a youth minister. AA141:3-7. In the end, the local church through its internal ecclesiastical procedures determined that the denomination's teachings regarding human sexuality prevented Ms. Bryce from serving as its youth minister.

To reverse that decision, or to punish the church in any way for it, would result in a civil court placing the weight of the law behind one side of an on-going doctrinal dialogue. Inevitably, the church would be forced to "make [its doctrinal and ecclesiastical rulings with respect to clergy] with an eye to avoiding litigation or bureaucratic entanglement rather than upon the basis of [its] own personal and doctrinal assessments of who would best serve the pastoral needs of their members." Rayburn, 772 F.2d at 1171. That is precisely the outcome which more than a century of church autonomy jurisprudence guards against. The First Amendment guarantees churches the "power to decide for themselves, free from state interference, matters of church government as well as those of faith and doctrine." Kedroff, 344 U.S. at 116.

A corollary and equally important constitutional principle is that religious institutions like all persons and associations have the absolute freedom to determine the message they wish to affirm and express. See Hurley v. Irish-American Gay Group of Boston, 515 U.S. 557, 573-577 (1995). It follows that churches must likewise be free to determine who will transmit that message, since in religion the medium is very often (perhaps always) an integral part of the message itself. "[D]etermination of whose voice speaks for the church is per se a religious matter" and thus beyond the purview of civil government. Diocese of Raleigh, 213 F.3d at 805 (quoting Minker v. Baltimore Annual Conference of the United Methodist Church, 894 F.2d 1354, 1356 (D.C.Cir. 1990)).

In brief, the freedom to select, regulate, discipline, and terminate ministers according to the dictates of church doctrine and polity lies at the heart of a church's institutional autonomy. Few things are more sacrosanct or more central to religious liberty.

B. The Freedom to Determine Who Will Minister to Youth Is Vital to the Spiritual Lives of the Amici Churches.

It is difficult to overstate the importance of youth ministers to churches. Inculcating faith in youth is essential to the

perpetuation of a religious community but also uniquely challenging. As society has become increasingly secular and materialistic, the claims of faith have been forced to compete ever more with the enticements of popular culture and the market. Violence, drug addiction, and other destructive pathologies are all too often part of the lives of today's youth.

Nurturing belief in our children, teenagers, and young adults is therefore an extremely delicate process. Many of these amici have extensive youth programs designed to instill faith through a variety of creative means. We have found that inculcating faith in a young person often has less to do with formal religious instruction or worship (as valuable as they are) than with one-on-one interactions with a sympathetic youth minister who understands the dilemmas of youth and yet is firm in the faith. A youth minister may lead youth activities and retreats which are ostensibly about fun but in reality are essential teaching moments where the church's religious message can be instilled, shared, and lived. In our experience, youth have come to expect that a youth minister lives according to the precepts and teachings of our respective religions and therefore look to him or her as an example of faithful discipleship. Ensuring that such expectations are in fact true is crucial if the message of a church is to be properly conveyed.²

Hence, as with all ministers, churches must have unfettered discretion to establish and enforce qualifications for youth ministers. As noted, a church's message is unavoidably entangled with its messengers; the messengers themselves their demeanor and attitude, their willingness to listen and befriend one in need, their loving concern, their examples of service and devotion are part of

²Under long-recognized constitutional principles, organizations are particularly free to reject those whose views and public positions are contrary to theirs when it relates to the selection of leaders or teachers. See *Boyd v. Harding Academy of Memphis, Inc.*, 88 F.3d 410, 411 (6th Cir. 1996) (upholding termination of unmarried pregnant teacher for violating her religious school's policy requiring staff to present a "Christian example."); *McGuire v. Marquette University*, 814 F.2d 1213 (7th Cir. 1987) (teacher at Catholic University may be dismissed for views conflicting with Catholic Church); *Hall v. Baptist Memorial Health Care Corp.*, 27 F.Supp.2d 1029 (W.D. Tenn. 1998) (student services specialist at Baptist Memorial College of Health Services may be dismissed for views regarding homosexuality that conflict with school's); *Chambers v. Omaha Girls Club, Inc.*, 834 F.2d 697, 701 (8th Cir. 1987) (affirming termination of a unmarried, pregnant instructor who, the Girls Club determined, presented a "negative role model" to female club members ages 8 to 18); *Harvey v. Young Women's Christian Association*, 533 F.Supp. 949 (W.D. N.C. 1982) (unmarried, pregnant woman may be dismissed as YWCA program director due to conflict with message YWCA desires to send regarding premarital sex and pregnancy).

the religious message. Interfering in any way with the criteria a church employs to select a youth minister disrupts the message the church intends to convey to its young members. If a church cannot properly transmit its message to the upcoming generation, the long-term survival of the church's core doctrines and beliefs will be seriously threatened.

This case again illustrates the point. Ms. Bryce engaged in conduct which the Episcopal parish adjudged inconsistent with its doctrinal understanding of the proper role of sexuality in the life of a youth minister. For this reason, she was released from her position of youth minister. Not all of these amici share the Episcopal Church's religious understanding of sexuality, but we are united in affirming the Episcopal Church's First Amendment right to make such ecclesiastical decisions without state interference. Whether Ms. Bryce is fit to serve as a youth minister in an Episcopal parish can be determined only by an authoritative interpretation of the church's doctrines and ecclesiastical canons. For well over a century, the Supreme Court has steadfastly held that only the church itself has the authority to perform this task. Civil courts have no subject matter jurisdiction over such issues.

III. The Supreme Court's Decision in *Employment Division v. Smith* In No Way Diminishes the Constitutional Guarantee of Church Autonomy.

Plaintiffs suggest that the Supreme Court's decision in *Employment Division v. Smith*, 494 U.S. 872 (1990), somehow weakened the ministerial exception. In *Smith*, the Supreme Court held that the Free Exercise Clause standing alone does not exempt individuals from religiously neutral laws of general applicability. *Id.* at 879. However, *Smith* did not purport to alter more than a century of church autonomy jurisprudence nor weaken the ministerial exception in the least. Indeed, the *Smith* Court actually relied upon and reaffirmed the very case law on which the Church Autonomy Doctrine rests. *Id.* at 887 (citing *Presbyterian Church*, *supra*, 393 U.S. at 450, and *Jones v. Wolf*, 443 U.S. 595, 602-606 (1979)). All federal courts of appeals to have addressed the argument that *Smith* undermines the ministerial exception have soundly rejected it.

The court in *E.E.O.C. v. Catholic University*, 83 F.3d 455 (D.C. Cir. 1996), addressed this precise issue at length. Specifically, the court considered whether, in light of *Smith*, a professor who was also a Catholic nun could sue Catholic University for sex discrimination in the denial of her application for tenure. The district court ruled that notwithstanding *Smith* the ministerial exception barred such a claim. The court of appeals affirmed. The court held that *Smith* did not upset First Amendment protections for

the autonomy of churches but rather addressed a very different issue:

[T]he burden on free exercise that is addressed by the ministerial exception is of a fundamentally different character from that at issue in *Smith* and in the cases cited by the [Supreme] Court in support of its holding. The ministerial exception is not invoked to protect the freedom of an individual to observe a particular command or practice of his church. Rather it is designed to protect the freedom of the church to select those who will carry out its religious mission. Moreover, the ministerial exception does not present the dangers warned of in *Smith*. Protecting the authority of a church to select its own ministers free of government interference does not empower a member of that church, by virtue of his beliefs, to become a law unto himself. Nor does the exception require judges to determine the centrality of religious beliefs before applying a "compelling interest" test in the free exercise field.

Id. at 462 (internal quotation marks and citations omitted). The court further observed that "all [of the ministerial exception decisions] rely on a long line of Supreme Court cases that affirm the fundamental right of churches to 'decide for themselves, free from state interference, matters of church government as well as those of faith and doctrine.'" *Id.* (quoting *Kedroff*, 344 U.S. at 116). The court concluded: "[W]e cannot believe that the Supreme Court in *Smith* intended to qualify this century-old affirmation of a church's sovereignty over its own affairs." *Catholic University*, 83 F.3d at 463; see also *Combs v. Central Texas Annual Conference of the United Methodist Church*, 173 F.3d 343 (5th Cir. 1999) (adopting analysis of *Catholic University* regarding *Smith*); see *id.* at 350 ("This fundamental right of churches to be free from government interference in their internal management and administration has not been affected by the Supreme Court's decision in *Smith* and the demise of *Sherbert*.") (internal citations omitted).

Thus, even after *Smith*, the Church Autonomy Doctrine still bars civil courts from entangling themselves in ecclesiastical issues, one of the most central of which is the selection, training, supervision, and termination of ministers. *Smith* did nothing to weaken this bedrock of First Amendment law.

IV. Derivative Claims by Spouses, Family Members, or Friends Should Not Be Allowed to Effect an End Run Around the Church Autonomy Doctrine.

Recognizing the imposing hurdle the ministerial exception creates for Ms. Bryce's claims on appeal, plaintiffs emphasize Rev. *Smith's* derivative claims. They argue that the Church Autonomy

Doctrine does not bar suits against churches when the plaintiff is not a minister or member of the church. The Brief of Appellees fully demonstrates why such an argument should be summarily rejected when the plaintiff's claims are derivative of claims barred by the ministerial exception, and that analysis will not be repeated here. Amici would only underscore the obvious: plaintiffs' approach is nothing more than an attempted end run around the ministerial exception. If adopted, it would largely vitiate the ministerial exception, leaving our religious communities vulnerable to intrusive claims by spouses, family members, and anyone else adversely impacted by the decision to terminate or discipline a minister.

The facts of this case illustrate the defect in plaintiffs' theory. Rev. Smith's tenuous claims arose solely because she chose to participate with Ms. Bryce in the "Sacred Conversation" the church held to discuss the appropriate ecclesiastical response to Ms. Bryce's situation. It was in this ecclesiastical context that Rev. Smith's civil rights were supposedly violated by the expression of hurtful opinions. Thus, her alleged claims bear a close nexus with the inviolable ecclesiastical process by which a church disciplines a minister. When such circumstances bar a minister's claims, it necessarily follows that a spouse or partner cannot bring derivative claims based on the same facts. To hold otherwise would completely undermine the ministerial exception, permitting civil courts to entangle themselves in the process by which a church governs its ministers an outcome the First Amendment categorically forbids.

CONCLUSION

Determining the criteria for selecting, assigning, disciplining, or terminating a minister is a core ecclesiastical function which the First Amendment reserves exclusively to churches. The guarantee of church autonomy, enshrined in the First Amendment and confirmed by more than a century of Supreme Court and circuit court jurisprudence, ensures churches total independence in such matters. Weststrongly urge this Court to affirm the decision below and uphold the ministerial exception.

Dated this _____ day of July, 2001.

KIRTON & McCONKIE

Von G. Keetch
Alexander Dushku

APPENDIX

STATEMENT OF INTEREST OF AMICI CURIAE

The Association of Christian Schools International is a nonprofit, non-denominational, religious association providing support services to more than 4,000 Christian preschools, elementary, secondary, and post-secondary schools in the United States and 1,000 additional schools in 102 nations. The eighty member schools in Colorado serve more than 11,300 students. Approximately three-fourths of the schools are church-run; the remaining are lay-board owned and operated religious schools. The international office of the association is located in Colorado Springs.

Campus Crusade for Christ (CCC) is an interdenominational, religious organization whose purpose is to introduce people of all ages to the Gospel of Jesus Christ, to help Christian believers to grow in their faith, both through training and through building relationships with other believers, and to help Christian believers be effective in communicating their faith with others. CCC is organized as a religious order. In the United States there are, approximately 4000 individuals who have taken vows and been commissioned as members of the Campus Crusade for Christ religious order. CCC International is a family of more than 50 ministries worldwide. Specific ministries are available to high school students, athletes, academic and business professionals, the inner city, and additional community ministries in the U.S. and overseas.

The Christian Legal Society, founded in 1961, is a nonprofit interdenominational association of Christian attorneys, law students, judges and law professors with chapters in nearly every state and at over 140 accredited law schools. Since 1975, the Society's legal advocacy and information division, the Center for Law and Religious Freedom, has worked for the protection of religious belief and practice as well as for the autonomy from the government of religion and religious organizations, in the Supreme Court of the United States and in state and federal courts throughout this nation. The Center strives to preserve religious freedom in order that men and women might be free to do God's will. Using a network of volunteer attorneys and law professors, the Center provides information to the public and the political branches of government concerning the interrelation of law and religion. Since 1980, the Center has filed

briefs amicus curiae in defense of individuals, Christian and non-Christian, and on behalf of religious organizations in virtually every case before the Supreme Court involving church/state relations. This nation's Declaration of Independence "instituted a new government' by first announcing that it was "laying its foundations on (immutable) principles." One of these "self-evident truths" was that all persons are divinely endowed with rights that no citizen may divest nor government abridge. Among such inalienable rights are those enumerated in - but not conferred by - the First Amendment, the foremost of which is religious freedom. Because the source of religious freedom, as acknowledged in the Declaration of Independence, is the Creator, not a constitutional amendment, statute, or executive order, it is not merely one of many policy interests to be weighed against others by any of the several branches of federal, state, or local government. This nation has no higher duty than to protect inviolate its full and unimpaired enjoyment. Hence, the unequivocal and non-negotiable prohibition attached to this our First Freedom is "Congress shall make no law" The Christian Legal Society's national membership, years of experience, and available professional resources enable it to speak with authority upon religious freedom matters before this court.

The Church of Jesus Christ of Latter-day Saints is an unincorporated religious association headquartered in Salt Lake City, Utah. Church membership exceeds 11 million, with more than 24,000 congregations throughout the world. Firmly embedded in the tradition and teachings of the Church are the concepts of religious freedom and toleration: "We claim the privilege of worshiping Almighty God according to the dictates of our own conscience, and allow all men the same privilege, let them worship how, where or what they may." Article of Faith, No. 11. It is of paramount importance to the Church that religious communities have the right to determine their own criteria for selecting, regulating, and discharging ministers and others holding positions of religious significance within their organizations. As such, the Church strongly supports the Church Autonomy Doctrine and the ministerial exception, which are directly at issue in this case.

The Colorado Baptist General Convention is composed of cooperating Southern Baptist Churches within the State of Colorado. The purpose of the organization is to provide a means by which cooperating churches can network to encourage and assist one another in fulfilling the Biblical Great Commission of evangelism and missions.

The Colorado Catholic Conference is the state-level, public-policy agency operated jointly by the Archdiocese of Denver,

the Diocese of Pueblo, and the Diocese of Colorado Springs. The Colorado Catholic Conference advocates and promotes the teachings and positions of the Catholic Bishops of Colorado in the area of public policy. It represents 197 parishes, 521,954 Catholics, and 16,671 students in 51 schools.

The Colorado District Church of the Nazarene is a regular district of the International Church of the Nazarene. The Colorado District represents 76 churches in the state of Colorado with over 14,000 members.

The Colorado Muslim Society is a religious, nonpolitical, cultural, social, educational and humanitarian organization. The Colorado Muslim Society serves more than five thousand Muslims in Metro Denver. The Society promotes and reinforces Islamic principles and values among Muslims throughout the State of Colorado. Beyond the walls of the mosque, Colorado Muslim Society joins hands with other local religious institutions to promote justice, understanding, and peaceful coexistence among all minorities and ethnic cultures.

The Colorado Task Force on Religious Freedom is a nonprofit organization promoting religious liberty. It represents over 3000 Colorado congregations.

The First Church of Christ, Scientist in Boston, Massachusetts, is "The Mother Church" of one of the major indigenous American religious denominations Christian Science. There are more than 2,000 local Christian Science congregations existing in over sixty-five countries and in all fifty states and the District of Columbia. There are 29 such congregations in Colorado. In the Christian Science denomination no persons are ordained as clergy. Nonetheless profoundly religious judgments are used to select the members of the Church's Board of Directors, the Church's authorized teachers of Christian Science, the editors of its religious periodicals, those Christian Science practitioners and Christian Science nurses who are permitted to advertise in The Christian Science Journal, and many others filling religiously significant positions. The First Church of Christ, Scientist has as part of its current Mission Statement a focus on advancing and preserving religious rights for all.

The General Conference of Seventh-day Adventists is the highest administrative level of the Seventh-day Adventist Church and represents nearly 41,000 congregations with more than 11 million members worldwide. The North American Division of the General Conference administers the work of the church in the United States, Canada, and Bermuda, and represents more than 4,400 congregations in

the United States with more than 870,000 members. The Seventh-day Adventist Church strongly supports the twin concepts of free exercise of religion and the separation of church and state and actively promotes those ideals through its bi-monthly Liberty magazine. The Working Policy of the North American Division states that religious liberty is best achieved, guaranteed and preserved when church and government respect each other's proper areas of activity and concern and that in matters where secular and religious interests overlap, government, in the best interests of both church and government, must observe strict neutrality in religious matters, neither promoting nor restricting individuals or the Church in the legitimate exercise of their rights. Growing out of these principles is the high interest of the Church and its members in issues involving church autonomy and ecclesiastical control of its clergy, such as are found in this case.

The General Council on Finance and Administration (GCFA) is the finance and administrative arm of The United Methodist Church. The United Methodist Church is a worldwide religious denomination with approximately 9 million members in the United States and it has approximately 36,000 local churches and 43,500 pastors in the United States. GCFA is charged under United Methodist polity with protecting the legal interests of the denomination and files this brief in carrying out that responsibility. Only the United Methodist's legislative body, the General Conference, has authority to set policy and speak for the entire denomination.

The Islamic Society of Colorado Springs (ISCS) is an Islamic organization serving and representing the Muslim community of Colorado Springs. It provides a place of worship, conducts worship services, arranges religious education and collects and distributes charitable contributions. The Muslim community in Colorado Springs is estimated to be over two hundred men, women and children. ISCS is a religious non-profit organization incorporated in Colorado and affiliated with the national organization of the Islamic Society of North America (ISNA).

The Lutheran Church-Missouri Synod (the "Synod") is the second largest Lutheran denomination in North America. It has approximately 6,000 member congregations which, in turn, have approximately 2,600,000 individual members. The individual members are served by approximately 9,200 commissioned ministers and 8,700 ordained ministers.

The freedom to determine who is qualified for the ministry, without governmental interference, is essential to the Synod. A firmly held religious belief of members of the Synod is that the church determines eligibility for the ministry, including those who

minister to youth.

This firmly held belief of the Synod arises from Martin Luther's two-kingdom ethic. The two kingdoms described in his ethic were the two authorities: the spiritual (also referred to as the power of bishops) and the temporal. Martin Luther wrote:

Many and various things have been written in former times about the power of bishops, and some have improperly confused the power of bishops with the temporal sword . . . Temporal authority is concerned with matters altogether different from the Gospel. Temporal power does not protect the soul, but with the sword and physical penalties it protects body and goods from the power of others. Therefore, the two authorities, the spiritual and the temporal, are not to be mingled or confused, for the spiritual power has its commission to preach the Gospel and administer the Sacraments. Hence it should not invade the function of the other

(Augsburg Confession, Article XXVII, The Power of Bishops, 1, 3, 4)

The Mid-America Union Conference of Seventh-day Adventists is the administrative body for six local church conferences covering the states of Colorado, Wyoming, North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri and San Juan County in New Mexico, which includes 498 churches, 230 pastors and 56,000 members.

The National Federation for Catholic Youth Ministry is a network of 170 dioceses and 40 collaborating member organizations that minister to over 1 million Catholic young people in the United States. The NFCYM provides resources, programming, and training for the development of Catholic youth ministry across the country.

The Navigators is a non-profit organization whose mission is to serve Christ and fellow members of the body of Christ by reaching, discipling, and equipping lifetime laborers to know Christ and to make him known. The worldwide Navigator missions include a staff of 3,702 of 63 nationalities working among 157 peoples, using 152 languages in 104 countries. Navigator ministries include youth ministries, ethnic and cultural ministries, collegiate ministries and community ministries.

New Life Church is a nondenominational Christian church which has been serving the families of the Colorado Springs area since January 1985. It currently has 7,000 members.

The Net (formerly The Colorado Springs Association of Evangelicals) is a local association of over 40 churches with the

stated purpose of promoting unity, evangelism, communication and mobilization among churches in order to demonstrate the true "oneness in Christ" which characterizes biblical Christianity.

Clifton Kirkpatrick, as Stated Clerk of the General Assembly, is the senior continuing officer of the highest governing body of the Presbyterian Church (U.S.A.). The Presbyterian Church (U.S.A.) is the largest Presbyterian denomination in the United States, with approximately 2,650,000 active members in 11,500 congregations organized into 173 presbyteries under the jurisdiction of 16 synods.

The General Assembly does not claim to speak for all Presbyterians, nor are its deliverances and policy statements binding on the membership of the Presbyterian Church. The General Assembly is the highest legislative and interpretive body of the denomination, and the final point of decision in all disputes. As such, its statements are considered worthy of the respect and prayerful consideration of all the denomination's members.

Like other denominations, the Presbyterian Church (U.S.A.) continues to discuss and struggle with the issue of lesbians and gays within the life of the church. Pursuant to the church's Book of Order, individuals sexually active outside the covenant of marriage may not hold ordained office. The case at bar, however, is not about the narrow issue of sexual orientation within churches. This case is about whether or not the courts can tell a church who its minister will be.

As declared by the 200th General Assembly, "Churches have a right of autonomy protected by the Free Exercise clause of the First Amendment. Each worshiping community has the right to govern itself and order its life and activity free of government intervention." God Alone is Lord of the Conscience (1988). Like many faith communities, in ordering its life, the Presbyterian Church (U.S.A.) devotes a substantial part of its Book of Order to the deacons, elders and ministers of the church: Presbyterian ministry is a gift from Jesus Christ; all serve under His mandate. G-6.0101. This ministry is in a variety of forms: proclamation of the Word, celebration of the Sacraments, deeds of love and mercy, educational, administrative, judicial, and prophetic. G-6.0104. Ministers, deacons and elders are elected by the people, G-6.0107, and the church helps them interpret their call. G-6.0105. God gives suitable gifts for their duties and they must be people of strong faith, dedicated discipleship, and love Jesus Christ as Savior and Lord. Their manner of life should be a demonstration of the Christian gospel in the church and in the world. They must have the approval of God's people and the concurring judgment of a governing

body of the church. G-6.0106.

As is readily apparent, no civil court can apply these standards to determine who should or should not serve as a minister of the Presbyterian Church. Only the church itself, exercising ecclesiastical jurisdiction, can determine its membership, leadership, order, and faith. Likewise, applying civil employment or negligence standards between a church and its ministers subjugates the very religious tenets by which the worshiping community has called its ministers. While it means much more, the First Amendment's Free Exercise clause must at least mean that churches are free to select their ministers with no role for the civil authorities.

The Pueblo Association of Evangelicals is a group of some 50 churches, representing 18 different denominations and independent churches. Its membership totals some 80 pastors and lay-people.

The Rocky Mountain Conference of Seventh-day Adventists is the administrative body for 96 churches and 14,076 members in the Mid-America region including the states of Colorado, Wyoming, and San Juan County in New Mexico.

The Rocky Mountain Conference of the United Methodist Church is the geographic connectional entity for Colorado, Wyoming and Utah, and bears the administrative responsibility for the work of the United Methodist denomination in this geographic area. The membership of the Rocky Mountain Conference of the United Methodist is comprised of 74,664 persons. There are 572 clergy members and 277 local churches.

The Rocky Mountain Rabbinical Council is the professional association for nearly twenty active and retired rabbis from across the Front Range of Colorado. It serves to foster understanding between congregations and groups, in addition to providing rabbinic guidance to a variety of communal agencies and projects.

The Rocky Mountain Synod, Evangelical Lutheran Church of America is comprised of 185 congregations in Colorado, Utah, Wyoming, New Mexico, and El Paso, Texas. Nearly 300 rostered leaders and 93,000 members are members of the synod, with a majority of these members and congregations in Colorado.

The United States Catholic Conference ("USCC") is a nonprofit corporation, the members of which are the active Catholic Bishops in the United States. USCC advocates and promotes the pastoral teaching of the U.S. Catholic Bishops in such diverse areas of the nation's

life as the free expression of ideas, fair employment and equal opportunity, the rights of parents and children, the sanctity of life, and the importance of religious communities. Values of particular importance to the Conference are the protection of the First Amendment rights of religious organizations and their adherents, and the proper development of jurisprudence in that regard.

Young Life is a non-profit organization whose primary purpose is to give every adolescent, everywhere, the opportunity to meet Jesus Christ and follow Him. This is accomplished by going where kids are, winning the right to be heard and sharing our life and the Good News of Jesus Christ with them. Young Life ministers to almost 1,000,000 young people each year in the United States alone, and has ministry locations in 300 schools in 40 other countries around the world.